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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,884	02/16/2001	Thomas S. Buszta	IR 3593 NP	5207

7590 10/23/2002

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EXAMINER

MEDLEY, MARGARET B

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 10/23/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,884

Applicant(s)

BUSZTA ET AL.

Examiner

Margaret B. Medley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

The disclosure is objected to because of the following informalities: The term DBzHA should be corrected in line 6 of the first column of Table 2 on page 11 of the instant application.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Drop Claims 1 and 4-9 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Roof et al 6,342,647 B1, see Examples 5 and 6 of Table I and claim 1 for a combination of short stopping composition for polymers that anticipates instant claims 1 and 4-9 .

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Drop Claims 1 and 6-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jackson 4,293,672 for mixtures of the preferred hydroxyl amines (col. 3, lines 40-45) that include the mixture of instant claim 10 and anticipate the instant claims 6-10.

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Claims 1 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller 4,654,450 (see col. 3, lines 11-15) for mixtures of the preferred hydroxylamines of instant claim 10 and anticipates the instant claims 1 and 6-10.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson 4,293,672.

Jackson teaches various hydroxylamines for stabilizing polyester resins (col. 3, lines 23-29). The preferred hydroxylamines include diethylhydroxylamine, dibutyloxyamine, diebenzyloxyamine, etc. and mixtures thereof (col. 3, lines 40-45). It would be obvious to the artisan in the art to select mixtures of the preferred hydroxylamines to render claim mixtures obvious. It further would be obvious to the artisan in the art to select a mixture of hydroxylamines and to use a conventional ratio of 50 to 50 that render obvious the ratios of instant claims 4-5.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller 4,654,450.

^{Miller}
~~Jackson~~ teaches various hydroxylamines for inhibiting polymerization of vinyl monomers, (abstract, col. 2, line 60 to col. 3, lines 1-15). The preferred hydroxylamine includes diethylhydroxylamine and dibutylhydroxylamine (col. 3, lines 11-14). Jackson further teaches that two or more of the said hydroxylamines may be used in

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combination (col. 3, lines 14-15). It would be obvious to the artisan in the art to use a combination of the preferred hydroxylamines to render claim 10 obvious. It is further disclosed by patentee that the hydroxylamines may be prepared as a solution rendering instant claims 2-3 obvious. It further would be obvious to the artisan in the art to select a mixture of hydroxylamines and to use a conventional ratio of 50 to 50 that render obvious the ratio of instant claims 4-5.

The prior art cited but not applied further teaches hydroxylamines, phenol and nitroxides of the same nature as claimed by applicant.

Any inquiry concerning this communication from the examiner should be directed to Margaret B. Medley whose telephone number is (703) 308-2518. The examiner can generally be reached on Monday–Friday from 7:30 a.m. to 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone numbers for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

M.B. Medley/dh
October 21, 2002


MARGARET MEDLEY
PRIMARY EXAMINER